

REMARKS

Claims 1-8, 10-18, 20-22, and 25-43 were pending. Claims 38-43 have been cancelled. Claims 1-8, 11-12, 14-16, 18, 21-22, 25, 27, 29-33, and 35-37 have been amended. Therefore, claims 1-8, 10-18, 20-22, and 25-37 remain pending subsequent entry of the present amendment.

Claim Objections and 35 U.S.C. § 112 Rejections

Claims 12, 18 and 27 are objected to for lack of antecedent basis. In addition, claim 12 was rejected under 35 U.S.C. § 112, first paragraph. Each of the claims have been amended in a manner which either overcomes or renders moot the objections and rejections.

Claim Rejections

Claims 1-4, 10, 14-16, and 31-34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by newly cited U.S. 6,591,292 ("Morrison"). Claim 35 stands rejected as being anticipated by U.S. Patent Publication 2003/0020744 ("Ellis"). Finally, claims 5, 6, 7, 8, 11, 12, 13, 17, 18, 20-22, and 25-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Morrison. As claims 38-43 have been cancelled, the rejections directed to those claims are rendered moot. Nevertheless, Applicant reserves the right to pursue the cancelled subject matter in a further application.

Applicant submits the currently pending claims recite features which are neither anticipated by, or rendered obvious by, the cited art. For example, claim 1 recites a method for recreating data at a remote location in a television system which includes:

 "a first user at the first location:
 tagging first data comprising at least a portion of the program material,
 said portion comprising less than a whole of a television program;

generating a message which identifies the first data and at least one remote user at a remote location; and

conveying the message to the remote user at the remote location;

processing the message at the remote location; and

recreating the first data at the remote location in response to processing the message.”

In contrast to the above, Morrison discloses highlighting a program in an EPG, incorporating program related information from the highlighted program in a message, and conveying the message. Responsive to receiving the message, the receiver may tune to the indicated program, or schedule recording of program if broadcast at a later time. However, claims 1 expressly recites that a portion representing less than a whole of a television program is tagged. Such a feature is nowhere disclosed by Morrison. For at least these reasons, claim 1 is not anticipated by Morrison and each of the pending independent claims 1, 21, 31, and 35 are patentably distinguished.

Additional features which are neither disclosed nor suggested by the cited art may be found in the dependent claims. For example, claim 2 recites the first data is recreated at the remote user's location from data previously stored at the user's location (e.g., the receiving user's PVR may already include the television program from which the first data is recreated. Further, claims 3 and 4 recite that multiple individual portions of a given television program may be identified and recreated in a different order. These features are not found in the cited art. As regards the cited reference U.S. Patent No. 6,735,628 (“Eyal”), Eyal merely discloses a play-list which stores network addresses (e.g., URLs) which identify the locations of media files. Further, while Eyal mentions the media platform may be an internet enabled television, Eyal nowhere discloses processing television programming signals in the manner recited. Still further, claim 12 recites the first user may store the message locally and make it available for access by other users – such as in a peer-to-peer mode. These features are likewise not disclosed by the cited art, either singly or in combination.

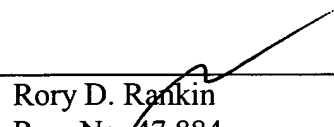
For at least the above reasons, the Applicant believes all claims to be patentably distinguishable from the cited. Accordingly, the application is believed to be in condition for allowance. However, should the examiner believe issues remain, the below signed representative requests a telephone interview at (512) 853-8866 to facilitate a resolution.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-04400/RDR.

Respectfully submitted,



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